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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,075	06/14/2001	Daniel LeComte	1222-R-00	8011

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IP GROUP OF DLA PIPER US LLP
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EXAMINER

SALCE, JASON P

ART UNIT	PAPER NUMBER
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2623

MAIL DATE	DELIVERY MODE
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07/11/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/881,075

Applicant(s)

LECOMTE, DANIEL

Examiner

Jason P. Salce

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 39-58 is/are pending in the application.
- 4a) Of the above claim(s) 39-58 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 39-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/23/2007 has been entered.

DETAILED ACTION

Election/Restrictions

Claims 59-76 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 9/18/2006.

Applicant has requested that claims 59-76 be held in abeyance. The examiner notes that this is improper because Applicant has already elected claims 39-58, without traverse. The examiner notes that this restriction requirement is made Final and Applicant is further required to cancel claims 59-76.

This application contains claims 59-76 drawn to an invention nonelected without traverse in the election by Applicant on 9/18/2006. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 39-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Block et al. (U.S. Patent No. 6,675,384) in view of Decinque (U.S. Patent No. 6,286,139) in further view of Roman et al. (U.S. Patent No. 7,191,462).

Referring to claim 39, Block discloses addressing a an associated portal server through a wide area network and ordering transfer of a video program to an identified video interfacing arrangement also connected to the wide area network for immediate display (see Figure 1 and Column 3, Line 55 through Column 4, Line 19 and Column 24, Lines 32-57 for a system including a portal server and a video interfacing arrangement for requesting video programs in a video on demand environment).

Block also discloses transferring the ordered program (see Column 24, Lines 32-57).

Block also discloses displaying the transferred video program upon the user's instructions, after checking the identity and rights, in accordance with optional handling restrictions (see Column 14, Lines 41-52 and Column 21, Line 52 through Column 22, Line 50 for checking the identify and rights according to a user PIN and receiving video programs according to the TIL).

Block also discloses that the video program is sent to the user in two parts, a first part corresponding to the original video program in which some of the reference images are substituted (see Column 4, Lines 20-28 for transmitting video from a substitute source) and a second part corresponding to the original reference images and allowing reconstruction of the original video program from the first part (see Column 3, Lines 35-67 for receiving the original video program, which allows the first part to be used for reconstruction when objectionable content is encountered).

Block is silent as to checking the user's authorization at the portal server.

Decinque also discloses ordering a video program from a portal server and further discloses checking the user's authorization at the portal server (see Column 4, Lines 47-65).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify to the portal server, as taught by Block, using the authorization process at the portal server, as taught by Decinque, for the purpose of verifying the identity of a customer (see Column 2, Lines 40-41).

Block and Decinque fail to teach that the second part is stored on the multimedia server and that the second part is obtained with a connection to the multimedia server each time a user wants to watch the video program and is necessary to reconstruct the original video program.

Roman discloses a video distribution system, where the video server contains a standard definition video and a high definition video (see Column 8, Lines 17-26). During viewing of the standard definition video, the user marks portions of the video and

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transmits a request to a server for high definition versions of the marked portions (see Column 8, Lines 17-63). Therefore, Roman clearly discloses that the second part is stored on the multimedia server and that the second part is obtained with a connection to the multimedia server each time a user wants to watch the video program and is necessary to reconstruct the original video program.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the video distribution systems, as taught by Block and Decinque, using the multiple version video distribution system, as taught by Roman, for the purpose of allowing a viewer to enjoy a higher resolution version of his/her favorite portions of a video presentation or allow a doctor to make a proper diagnosis by allowing the doctor to view a higher resolution portion of a particular recorded medical procedure.

Referring to claims 40-42, Block discloses transmitting substitute video portions along with the original video program, but is silent as to how the video signal is encoded when in digital form (see Column 3, Lines 51-54).

The examiner takes Official Notice that it is well known to encode a digital video signal transmitted from a multimedia server to a client device using the MPEG standardized format. Therefore, when a substitute and original video program are transmitted the video streams would correspond to I-frames, therefore teaching the limitations of claims 40-42.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the digital signal transmitted from the multimedia server to the client device, as taught by Block and Decinque, to use the MPEG standard for the purpose of allowing more channels to be encoded and transmitted over a broadcast network (such as digital music channels and HDTV channels).

Referring to claim 43, Block discloses that the second part is kept on the multimedia server (see again Column 24, Lines 32-57 for a video-on-demand environment which stores video at the server until requested by the user).

Referring to claim 44, Block discloses that the user's video interfacing arrangement is automatically connected to the multimedia server to get the second part to restore and display the original video program only when the user wants to watch the video program (again note Column 24, Lines 32-57 for a video-on-demand system for requesting a video program only when the user wishes to view the video program, therefore teaching that the video program can be displayed and restored when the user requests the video program, which would retrieve the first and second parts).

Referring to claim 45, Block discloses that the multimedia server is connected on the wide area network (see Figure 1) and the program restoring the original video program is partially stored in the server (note that the substituted portions are only for

portions of the original video program and therefore partially stored in the video on demand server (Column 24, Lines 32-57)).

Referring to claim 46, see the rejection of claim 45.

Referring to claim 47, Block discloses that the arrangement comprises a module where the program restoring the original video program is executed in the module (see Column 21, Line 52 through Column 22, Line 50).

Referring to claim 48, see the rejection of claim 45 and further note that the program restoring the original video program is executed in the server (see Column 4, Lines 20-27).

Referring to claim 49, Block discloses that the multimedia server is connected on the wide area network (see server 10 in Figure 1 and wide area network at Column 4, Lines 4-7) and the arrangement comprises a module (see viewer program equipment 20 in Figure 1) and the program restoring the original video program is executed partially in the module (see Column 13, Line 58 through Column 14, Line 25) and partially in the server (see Column 4, Lines 47-61 for creating the TIL which allows the substitute video signal to replace the original video signal when required).

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Referring to claim 50, see the rejection of claims 40-42 and further note that Block teaches encrypting the digital video signals therefore preventing illegal copying of the I-images (see Column 3, Lines 51-54).

Referring to claim 51, Block discloses that the handling restrictions are for uninterrupted display (see Column 21, Line 52 through Column 22, Line 50 for the TIL information providing uninterrupted display between the original and substitute video signals).

Referring to claims 52-54, see Column 3, Lines 51-54 for encrypting the video signal that is transmitted to the viewer and the rejection of claim 39 for the viewer providing a request via a video on demand system.

Referring to claims 55-58, see Column 4, Line 35 through Column 5, Line 25 for the customer verification teachings and the architecture presented in Figure 1 for teaching these claim limitations.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Salce whose telephone number is (571) 272-7301. The examiner can normally be reached on M-F 9am-6pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason P Salce
Primary Examiner
Art Unit 2623

June 29, 2007

JASON SALCE
PRIMARY PATENT EXAMINER

A handwritten signature in black ink, appearing to read "Jason Salce", is written over the printed name and title.